

REMARKS

The Office Action of January 24, 2011, has been received and reviewed. The claims are to be amended as previously set forth. New claim 79 is presented herein. Basis for new claim 79 can be found throughout the Specification and more specifically in at least ¶ [0022]. All amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been presented. Reconsideration is respectfully requested.

35 U.S.C. § 112, Second Paragraph

Claim 75 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly lacking antecedent basis for the phrase “said C-type lectin receptor.” Applicants address the rejection as hereinafter set forth.

Applicant have amended claim 75 to depend from new claim 79. New claim 79 provides antecedent basis for the phrase “said C-type lectin receptor.” Consequently, applicants request the withdrawal of the rejection of claim 75 under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 102

WO 98/39027

Claims 68-71, 75, and 78 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by WO 98/39027. Applicants note that the rejections of claims 70, 71, and 78 are moot as those claims are cancelled herein. Applicants have amended the remaining claims, and partially in view of those amendments, traverse the remaining rejections as hereinafter set forth.

Unless a single prior art reference describes “all of the limitations claimed” and “all of the limitations [are] arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net MoneyIN Inc. v. VeriSign Inc.*, No. 07-1565, slip op. at 17-18 (Fed. Cir. Oct. 20, 2008). A single prior art reference must “clearly and unequivocally” describe the claimed invention “without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” *Id.* at 19 (citing *In re*

Arkley, 455 F.2d 586, 587 (C.C.P.A. 1972)). Applicants respectfully assert that claims 68, 69, and 75 cannot be anticipated by WO 98/39027 as WO 98/39027 does not describe “all of the limitations claimed.”

Specifically, WO 98/39027 does not describe the use of “a conjugate of the tumor antigen and at least one non-sialylated Lewis x antigen” as recited by amended independent claim 68. Basis for the amendments to claim 68 can be found throughout the Specification and more specifically in at least ¶¶ [0004], [0025], [00147], [0193], and [0238]. As WO 98/39027 does not describe the use of at least one non-sialylated Lewis x antigen, WO 98/39027 cannot anticipate the present claims.

In view of at least the foregoing, applicants request the withdrawal of the rejections over WO 98/39027.

Appelmeik

Claims 68-72, 74, 75, and 78 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Appelmeik *et al.* (Infection and Immunity 64(6):2031-2040 (1996)) (hereinafter “Appelmeik”). Applicants note that the rejections of claims 70-72, 74, and 78 are moot as those claims are cancelled herein. Applicants have amended the remaining claims, and partially in view of those amendments, traverse the remaining rejections as hereinafter set forth.

Applicants respectfully assert that claims 68, 69, and 75 cannot be anticipated by Appelmeik as Appelmeik does not describe “all of the limitations claimed.” Specifically, Appelmeik does not describe the use of “a conjugate of the tumor antigen and at least one non-sialylated Lewis x antigen” as recited by amended independent claim 68. Appelmeik teaches the use of *H. pylori* LPS conjugated to a Lewis x antigen. However, *H. pylori* LPS is not a tumor antigen as recited by the present claims. Consequently, Appelmeik does not anticipate amended claim 68 or the claims dependent therefrom.

In view of at least the foregoing, applicants request the withdrawal of the rejections over Appelmeik.

Boros

Claims 68-71, 73-75, and 78 stand rejected under 35 U.S.C. §102(b) as asserted being anticipated by Boros *et al.* (J. Immun. 110(4):1118-1125 (1973)) (hereinafter “Boros”) as evidenced by WO 97/27872. Applicants note that the rejections of claims 70, 71, 73, 74, and 78 are moot as those claims are cancelled herein. Applicants have amended the remaining claims, and partially in view of those amendments, traverse the remaining rejections as hereinafter set forth.

Applicants respectfully assert that claims 68, 69, and 75 cannot be anticipated by Boros as Boros does not describe “all of the limitations claimed.” Specifically, Boros does not describe the use of “a conjugate of the tumor antigen and at least one non-sialylated Lewis x antigen” as recited by amended independent claim 68. Boros teaches the use of SEA (Schistosoma Egg Antigen) (schistosoma proteins conjugated to a Lewis x antigen). However, schistosoma proteins are not tumor antigens as recited by the present claims. Consequently, Boros does not anticipate amended claim 68 or the claims dependent therefrom.

In view of at least the foregoing, applicants request the withdrawal of the rejections over Boros.

CONCLUSION

In light of the above amendments and remarks, applicant respectfully requests reconsideration of the application. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Office is kindly requested to contact applicant’s attorney at the address or telephone number given herein.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel J. Morath', with a long horizontal flourish extending to the right.

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